

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



**CORRECTED
FISCAL MEMORANDUM**

HB 238 – SB 555

April 13, 2010

SUMMARY OF AMENDMENT (016627): Deletes all language after the enacting clause. Defines “potentially vicious dog” as a dog that may reasonably be assumed to pose a threat to public safety as demonstrated by any of the following behaviors: when unprovoked and off the property of the owner or keeper of the dog, inflicts a bite causing bodily injury; or on two or more separate occasions, chases, menaces, or approaches a person or domestic animal in an aggressive manner or apparent attitude of attack; or running at large and impounded on two or more occasions within a 12-month period or the owners of the dog are cited by the applicable animal control authority two or more times within any 12-month period. Defines “vicious dog” as any dog that has attacked a person, without provocation and off the property of the owner, causing death or serious bodily injury. Broadens the definition of “violent felony” to mean any felony involving the use or attempted use of force, violence, or a deadly weapon; a violation of controlled substance offenses, promotion of methamphetamine manufacture, or initiation of a process intended to result in the manufacture of methamphetamine; or a violation of cruelty to animals, cock and animal fighting, intentional killing of an animal, aggravated cruelty to animals, or a criminal offense against an animal. Creates a new Class A misdemeanor for a person convicted of a violent felony that occurs on or after July 1, 2010, knowingly to own, possess, have custody of, or reside in a residence with a vicious dog until 10 years after the person has been released from custody or active supervision. Defines “residence” as a dwelling in which a person resides, either temporarily or permanently, or is visiting as an invited guest, or any dwelling, building or other appurtenance within the cartilage of the residence. Creates a new Class A misdemeanor for a person convicted of a violent felony that occurs on or after July 1, 2009, to own, possess, or have custody of a dog that is not micro-chipped for permanent identification or is not spayed or neutered and is older than 12 weeks of age.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$5,581,000/Incarceration*

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

On April 12, 2010, we issued a fiscal memorandum containing an error in the summary. The summary has been corrected to include the Class A misdemeanor offense for a person convicted of a violent felony that occurs on or after July 1, 2010, knowingly to own, possess, have custody of, or reside in a residence with a vicious dog until 10 years after the person has been released from custody or active supervision, and to include the definition of residence. The fiscal impact of the bill as amended has not changed.

Increase State Revenue – Not Significant
Increase State Expenditures – Not Significant

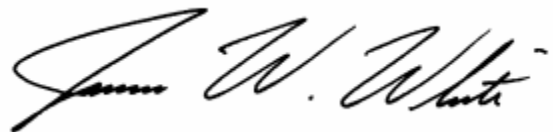
Increase Local Revenue – Not Significant
Increase Local Expenditures – Not Significant

Assumption applied to amendment:

- A small increase in cases in the court system, which will result in additional state and local government expenditures for processing the cases and additional state and local government revenue from fees, taxes and costs collected. These expenditures and revenue are estimated to be not significant.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/lsc